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In re Application of	:	
Kim et al.	:	
Application No.: 10/565,106	:	DECISION
PCT No.: PCT/KR04/01616	:	
Int. Filing Date: 01 July 2004	:	ON
Priority Date: 01 July 2003	:	
Attorney Docket No.: 3449-0588PUS1	:	PETITION
For: Method And Apparatus For Testing Lip-Sync Of Digital Television Receiver	:	

This is with regard to submission filed on 20 June 2006.

### **BACKGROUND**

This international application was filed on 01 July 2004, claimed an earliest priority date of 01 July 2003, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 13 January 2005. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 03 January 2006 (since 01 January 2006 was a Sunday and 02 January 2006 was a holiday). This international application became abandoned with respect to the national stage in the United States for failure to timely pay the required basic national fee.

On 19 January 2006, applicants filed a petition to revive under 37 CFR 1.137(b), which was granted in a decision mailed on 17 March 2006. With regard to the declaration of inventorship, the decision noted that

The declaration of the inventors filed on 19 January 2006 is defective in that it names an inventor (Chan-Ho HAN) whose name does not appear in the published international application, and the application file currently contains neither evidence that he was named as an inventor pursuant to PCT Rule 92*bis*, nor a grantable request under 37 CFR 1.497(d).

On 08 May 2006, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(h).

### **DISCUSSION**

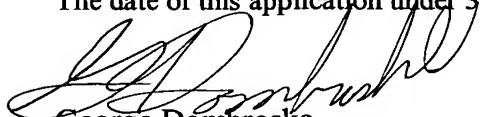
The instant submission includes a declaration of the inventors which names Chan-Ho HAN and KIM, Jong Sik as inventors. Review of the published international application reveals that it nominates only "KIM, Jong-Sik," and that it does not nominate Chan-Ho HAN. However, petitioner requests acceptance of the declaration on the basis that Chan-Ho HAN was added as an inventor pursuant to PCT Rule 92*bis*. As evidence, petitioner has provided a copy of Form PCT/IB/306 showing that "HAN, Chan-Ho" has been "recorded as applicant for the United States of America and inventor for all designated States." In view of the totality of the evidence of record, it would be appropriate to accept the declaration filed on 20 June 2006 for purposes of compliance with 37 CFR 1.497(a) and (b).

The \$130.00 surcharge under 37 CFR 1.492(h) is being charged to counsel's Deposit Account No. 02-2448, as authorized by the instant correspondence.

**CONCLUSION**

The declaration filed on 20 June 2006 is **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch for further processing. The date of this application under 35 U.S.C. 371(c)(1), (2) and (4) is **20 June 2006**.



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